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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,806	07/17/2003	David Randall Blea	TUC920030018US1	1456
46917	7590	01/11/2006		EXAMINER
KONRAD RAYNES & VICTOR, LLP. ATTN: IBM37 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			ROSE, HELENE ROBERTA	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/621,806	BLEA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Helene R. Rose	2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All
    - b) Some \*
    - c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                   |                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                              | Paper No(s)/Mail Date. _____ .                                              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>17 July 2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                                   | 6) <input type="checkbox"/> Other: _____ .                                  |

**Detailed Action**

1. Claims 1-20 have been presented for examination.
2. Claims 1-20 have been rejected.

**Claim Rejections-35 U.S.C 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,8, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Segev et al (US Patent No. 6,848,021).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

**Claims 1, 8, and 15:**

Regarding claims 1, 8, and 15, Segev teaches a method for creating a copy services solution, (column 2, lines 19-32, Segv) comprising:

receiving a document describing the copy services solution (column 6, lines 50-59, wherein receiving and description is defined, Segev);  
converting the document to executable code (column 2, lines 55-65, wherein changes are made in the data that is associated with one of the copy services and wherein adding the entries and linking them to different copy services to be executed, in which entries is the code because it defines a set of rules/operations to be executed, Segev); and  
executing the code to perform one or more base copy services solutions described with base copy types in the document (column 7, lines 17-18, wherein entries are executed, Segev).

### **Claim Rejections – 35 U.S.C 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-7, 9-13 and 16-20 are rejected under 35 U.S.C. 103(a) as being obvious over Segev et al (US Patent No. 6,848,021) in view of Goiffon et al (US Patent No. 6,848,021).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only

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under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by:

(1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Claims 2,9, and 16:

Regarding claims 2, 9, and 16, Segev discloses all the limitations above. However, Segev is silent with respect to wherein the document comprises an Extensible Markup Language document. On the other hand, Goiffon discloses wherein the document comprises an Extensible Markup Language document (column 7, lines 31-34, wherein file structures are a format into which a file is arranged by computer, Goiffon). It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify Segev system to include wherein the document comprises an

Extensible Markup Language document (column 7, lines 31-34, wherein file structures are a format into which a file is arrange by computer, Goiffon). A skilled artisan would have been motivated to do so by using Extensible Hypertext Language within a document because it provides structure to a document, its readable, wherein it has the ability to represent the most general data structures such as list and trees and most importantly its heavily used as a format for document storage.

Claims 3,10, and 17:

Regarding claims 3, 10, and 17, Segev in view of Goiffon teaches wherein the document describes a session comprising one or more sequences (column 7, lines 12-17 and column 65-67, wherein one or more elements are created that define each of the tools, Goiffon) and wherein each sequence represents a base copy type (column 19, lines 11-19, Goiffon).

Claims 4, 11, and 18:

Regarding claims 4,11, and 18, Segev in view of Goiffon teaches wherein at least one sequence includes characteristics for the base copy type represented by that sequence (column 22, lines 42-44, Goiffon).

Claims 5, 12, and 19:

Regarding claims 5,12, and 19, Segev in view of Goiffon teaches wherein at least one sequence includes an event (column 29, lines 18-31, wherein a match is found and its

and duplicate of the first word, Goiffon) and an action to be performed for that event (column 29, lines 32-50, wherein a action is performed by user and the process is repeated for each additional hierarchy, Goiffon).

Claims 6 and 13:

Regarding claims 6 and 13, Segev in view of Goiffon wherein converting the document to executable code further comprises:

deserializing the Extensible Markup Language document to form one or more classes (column 13, lines 52-57, Goiffon), wherein each class includes data describing zero or more characteristics of a base copy type (column 22, lines 42-44, Goiffon) and including zero or more methods representing actions to be performed for particular events (column 17, lines 47-50, Goiffon).

Claims 7,14, and 20:

Regarding claims 7, 14, and 20, Segev in view of Goiffon wherein converting the document to executable code (column 8, lines 19-22, Goiffon) further comprises:

identifying a base copy services solution to implement for a base copy type described in the document (column 19, lines 1-6, Goiffon).

**Prior Art of Record**

1. Segev et al (US Patent No. 6,848,021) discloses a method for data backup includes creating a sidefile in a cache memory of a data storage system, wherein entries are added

to the sidefile specifying copy operations to be respectively performed by copy services in the system, including at least first and second copy services of different, first and second types.

2. Goiffon et al (US Patent No. 6,226,792) discloses an object management system is providing for managing, cataloging, and discovering various potentially reusable code and data components that exist within an Information Technology (IT) platform, and which each have well-defined interfaces with other components.

#### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene R. Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helene R Rose  
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January 5, 2006

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